

EXHIBIT 53

MAO DECLARATION OPPOSITION TO SUMMARY JUDGMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

--oOo--

ANIBAL RODRIGUEZ, et al.,
individually and on behalf of
all other similarly situated,
Plaintiffs,

vs.

Case No.
3:20-CV-04688

GOOGLE LLC, et al.,
Defendants.

-----/

VIDEO-RECORDED DEPOSITION OF SAL CATALDO
VERITEXT VIRTUAL
THURSDAY, FEBRUARY 17, 2022

Reported by:
Anrae Wimberley, CSR No. 7778
Job No. 5057262

1 Q. Okay. 10:41:34

2 Do you have any other Android devices

3 other than the Blackberry and the Pixel?

4 A. No.

5 Q. No tablets? 10:41:48

6 A. I may have one that -- at work that I

7 haven't used in years.

8 Sometimes I have devices that kind of die

9 out and I leave in a drawer somewhere.

10 Q. Okay. 10:42:11

11 Have you ever done any research during

12 this period of time where you've been privacy minded

13 about how to protect your privacy on Android?

14 MR. LEE: Objection, form, vague.

15 THE WITNESS: I mean, in terms of exploring how 10:42:25

16 to protect my privacy?

17 Yeah, I'm sure I've looked at things on

18 how to keep things more secure, et cetera, sure.

19 BY MR. SANTACANA:

20 Q. Well, you said you're not familiar with 10:43:07

21 the ads personalization toggle, so I think we'll

22 come back to that later. I'll see if I can scrounge

23 up what that page looks like, but it may be that the

24 easiest way is for you to just actually look at your

25 own page later. But we'll come back to that. 10:43:25

1 Let's go back to this WAA button. 10:43:29

2 So you said that you checked to make sure

3 that WAA is off on your devices, right?

4 A. Correct.

5 Q. And do you understand WAA to be an 10:43:39

6 account-level control or a device-level control?

7 To the extent that you even understand the

8 distinction.

9 MR. LEE: Yeah, I would say lack of foundation,

10 calls for speculation. 10:43:52

11 You can answer, if you can.

12 THE WITNESS: I will say this: The fact that

13 there's a different toggle -- I would say the way I

14 treat it is probably a little bit of belt and

15 suspenders, that I've had it where -- especially 10:44:12

16 with some syncing issues in the past, I remember

17 having certain settings on one device that I don't

18 want on another device and one device kind of

19 overriding the other device's settings because maybe

20 it syncs. 10:44:28

21 So to be complete, I tend to make sure

22 that it's off on all various devices.

23 BY MR. SANTACANA:

24 Q. Understood.

25 A. So in that respect, I wouldn't make the 10:44:36

1 distinction between the two or to have -- care about 10:44:38
2 an understanding whether it's one or the other
3 because I would just want to make sure it's off
4 universally.

5 Q. Right. It doesn't make a difference to 10:44:47
6 you, you just are turning it off wherever you see
7 it?

8 A. Correct.

9 Q. Why do you turn the WAA control off?

10 A. To not allow Google to have access to the 10:44:57
11 data that would be sent from the apps.

12 Q. What data would that be?

13 A. Any data.

14 Q. What do you mean by "any data"?

15 MR. LEE: Objection to form. 10:45:14

16 THE WITNESS: "Any" means any. You know, if
17 you tell me that I'm not going to share something,
18 just don't share it.

19 BY MR. SANTACANA:

20 Q. Yeah, I'm trying to understand, when you 10:45:32
21 say, "share something," what is it that you think
22 the apps are sharing that turning WAA off would
23 prevent them from sharing?

24 MR. LEE: Asked and answered.

25 THE WITNESS: So if you're giving me the option 10:45:50

1 to turn it off, the way my mentality is, if you tell 10:45:53
2 me I can decide no, I'm going to say, "No," without
3 having to know what exactly it is you're taking,
4 because I don't want, to use my word, any of it.

5 And my understanding is that it's -- you 10:46:06
6 know, the Web & App Activity collects data from the
7 apps, transmits them to Google.

8 I'm sure there's some value to Google
9 there, and to me, if it's valuable to you, it's not
10 something that I want you to have. 10:46:25

11 So there are certain things I know you
12 don't want you to have. There might be other things
13 that I'm not smart enough to know that are
14 transmitting that I don't want you to have. And I
15 was under the belief that by saying, "No," I was 10:46:36
16 opting out of you having or Google having it.

17 So that's, to me, to try to quantify what
18 is or isn't being shared, I wasn't given that much
19 choice there. The way that it's framed when I'm
20 given a control that says you can control what 10:46:52
21 information is shared, and then there's a button
22 that says, you know, by having it off, we are not
23 saving your information, that my information is not
24 being saved.

25 So I don't know what that information is, 10:47:08

1 but to me it's all or none. 10:47:11

2 BY MR. SANTACANA:

3 Q. Do you have an understanding of what

4 Google Analytics is?

5 A. Generally. 10:47:26

6 Q. What's your general understanding?

7 A. I'm sure it takes lots of -- I don't think

8 it does one particular thing. But my understanding

9 would be that it's -- almost in the name, right?

10 Analytics is that it processes data and gives 10:47:50

11 reports and analyzes data that it's given.

12 Q. And when you say, "gives reports," who

13 does it give the reports to?

14 A. I don't know. I mean, I would assume -- I

15 don't know how pervasive something like -- yeah, I 10:48:19

16 don't know what specifically Google Analytics in

17 that, like, particular branded vehicle does.

18 But I know that generally, a company like

19 Google probably shares analytics to advertisers.

20 They probably share analytics to people that consume 10:48:33

21 Google products for other customers, to say, Hey

22 this is the data on people that visited your page.

23 This is the data that people that used your app.

24 This is the people that your advertisement was sent

25 to. 10:48:49

1 So I'm sure it does that in multifaceted 10:48:49
2 ways.

3 Q. Okay.

4 So let's just use the New York Times app
5 as an example. It's an example we often use in this 10:49:06
6 case because they use the Google Analytics for
7 Firebase product that's discussed in your complaint.

8 So the New York Times wants to learn about
9 how people use its app, it activates Google
10 Analytics for Firebase on the app and information 10:49:29
11 about its users is then reported back to the
12 New York Times by that product.

13 Are you claiming there's an invasion of
14 privacy in that process?

15 A. For the people that have elected to not 10:49:51
16 participate in that process, yes, I believe there
17 is.

18 Q. And how do you believe people elect not to
19 participate -- well, let me first ask you what you
20 mean by "not participate in that process"? 10:50:08

21 A. So my understanding is Google is
22 delivering data to the New York Times. In order for
23 Google to deliver that data to the New York Times,
24 data has to be sent to Google.

25 Google has given me as a user an option to 10:50:26

1 say it will not collect or save my data, and you 10:50:30
2 point me to that option, and so I'm turning that
3 option off. So if you send the data after I've
4 turned that off, then it's an invasion of privacy
5 because I've asked you not to use it. 10:50:45

6 So once I turn that off, once you tell me,
7 Hey, you can elect not to participate because here's
8 a setting that we are going to share and save your
9 data if you turn this on, I turn it off, my
10 expectation is the data is not saved or shared. 10:51:04

11 Q. So I want to make sure we're talking about
12 the same things.

13 So I'm drawing a distinction between a
14 world where Google is acting as the analytics
15 provider for the New York Times but isn't doing 10:51:23
16 anything with the data otherwise and a different
17 world where it acts as an analytics provider for the
18 New York Times but also saves it for other purposes
19 unrelated to what the New York Times has asked
20 Google to do. 10:51:41

21 Are you saying that the WAA button should
22 control both of those worlds or just one of them?

23 A. I think it should control both of those
24 worlds, because the way that it's described and laid
25 out to me as the user, it doesn't make that 10:52:02

1 distinction. It says you can choose and control the 10:52:07
2 information, and then there's an option that says,
3 Don't save the data.

4 Q. Okay. I think I understand.

5 Do you believe you've suffered any damages 10:52:49
6 as a consequence of the alleged invasion of privacy?

7 A. I do.

8 Q. What are those damages?

9 A. On a base level that experts can probably
10 quantify better than I can, the surreptitious taking 10:53:11
11 of my information damages me. There's invasion of
12 privacy, you know, intrusion and all that stuff are
13 torts for a reason. That there's a value to private
14 information intrinsic to the fact that it's private.

15 What that's quantified as, I can't 10:53:41
16 articulate. I can't tell you the value of my data.

17 Google can probably tell you the value of
18 my data because they are the ones that are
19 commoditizing it. But that privacy is important.
20 It's a core right. And the violation of that right 10:53:56
21 is a damage.

22 One way to figure that out is what did
23 Google make off of that data that should have been
24 arguably mine to make, right, on that level?

25 On another threshold, the fact that Google 10:54:18

1 was using my own device that I paid a charge that at 10:54:22
2 various times have data plans that I was actually
3 paying per gigabyte use or, at the very least, have,
4 you know, sort of slow downs if I use -- if I have
5 consumption of the device. If it's on Wi-Fi I have 10:54:41
6 bandwidth.

7 So it may be, you know, small
8 incrementally, but when it's doing it hourly over
9 years, that's use of my device that I paid money for
10 that a third party is now using without my consent. 10:54:57

11 So there's a way to add that all up that
12 degraded the property that I have.

13 Q. Okay.

14 So just to recap, you've identified the
15 basic damage of your privacy having been invaded is 10:55:15
16 damaged in and of itself; right?

17 A. Yes.

18 Q. There's the one you just named, damage to
19 your property, in the sense that its resources were
20 used against your will -- 10:55:38

21 A. Correct.

22 Q. -- depleted in some way. Could be
23 bandwidth or data or battery, I guess?

24 A. Um-hum.

25 Q. And you believe that's a quantifiable 10:55:51

1 amount of damage? 10:55:54

2 A. Yes.

3 Q. And then you believe that if Google

4 profited from your data, then that amount of profit

5 is damage as well? 10:56:04

6 A. Yes.

7 Q. Obviously, if it didn't profit off the

8 data, then that would not be the source of damage?

9 MR. LEE: Objection to form, calls for a legal

10 conclusion and expert opinion. 10:56:16

11 THE WITNESS: To me, that -- whether or not

12 Google actually profited, I think the potential loss

13 of profit that it took from me would be damage in

14 some way.

15 I understand I'm a lawyer, I'm not a 10:56:35

16 patent lawyer, but if I steal intellectual property,

17 there's no requirement that I go and actually make

18 the product, that it's still threat of confidential

19 information, right?

20 So there's -- it's the potential of my 10:56:47

21 loss of profit, not necessarily what Google profited

22 from.

23 So I think an easy way to quantify it

24 would be to see what Google made off of my data, but

25 I don't think Google has to profit, in my own 10:57:03

1 opinion, for me to feel violated and damaged because
2 you took something of value from me.

10:57:05

3 And I can try to sit down and figure out
4 with an expert what that value is, but there's
5 something valuable regardless of what value is
6 received for it on the other end of the perpetrator.

10:57:17

7 BY MR. SANTACANA:

8 Q. So I want to distinguish between the
9 damage to you for your invasion of privacy and the
10 damage to you that you are calling a loss of profit.
11 Those are different categories of damage.

10:57:30

12 So I understand what you're saying about
13 damage to you for your invasion of privacy. We'll
14 come back to that.

15 With respect to loss of profit, have you
16 personally experienced a loss of profit as a
17 consequence of the alleged unlawful invasion of
18 privacy?

10:57:45

19 A. I think, in my opinion, I have.

20 Q. What was that loss of profit?

10:58:08

21 A. Again, I can't quantify it here.

22 Q. Why not?

23 A. Because I wasn't given the opportunity.

24 Number 1, it's something to me that wasn't
25 for sale. If it was, I wasn't part of the

10:58:23

1 conversation when the information was taken and 10:58:26
2 profited from or potentially profited from. So I'm
3 not going to quantify what that loss of profit is
4 today.

5 Q. So -- I'm sorry -- I should be clear. I'm 10:58:35
6 also leaving aside what you've said would be a
7 measure of damages is what's called disgorgement of
8 whatever profit Google might have made on your data.
9 I understand that that's a measure that you have in
10 mind and that you don't know how to quantify that in 10:58:54
11 that instance.

12 A. Right.

13 Q. I'm talking about a completely separate
14 type of damage, which would be that you have
15 suffered a -- 10:59:04

16 (Whereupon, Mr. Lee, Esq. unintentionally
17 left the proceedings.)

18 MR. MCGEE: I'm very sorry. James just
19 informed me that he's frozen. So I think he's going
20 to have to reset to get back in. 10:59:16

21 So if you don't mind, I just don't want
22 the witness questioned without counsel.

23 MR. SANTACANA: Sure. We can wait.

24 MR. MCGEE: Sorry to interrupt again.

25 MR. SANTACANA: No problem. 10:59:30

1 (Whereupon, Mr. Lee, Esq. re-joined the 10:59:53
2 proceedings.)
3 MR. LEE: Sorry, my Zoom froze.
4 MR. SANTACANA: No worries. I'm all back up.
5 MR. LEE: Thanks. 10:59:58
6 BY MR. SANTACANA:
7 Q. Maybe try and be less long-winded this
8 time.
9 Sir, I want you to leave aside what you've
10 said would be one measure of damages, whatever 11:00:09
11 Google made on your data.
12 A. Okay.
13 Q. I want you to focus instead for this
14 question on whatever lost profits you believe you
15 may have suffered. 11:00:23
16 And my question is, do you have a measure
17 of lost profits? There was some sale that you could
18 have made and didn't get to make because of Google's
19 conduct or something like that, do you have any
20 claim that you have lost profits in this case? 11:00:42
21 MR. LEE: Objection to form, calls for a legal
22 conclusion, calls for expert opinion, calls for
23 speculation.
24 You can answer, if you can.
25 THE WITNESS: As I've said, none that I can sit 11:00:57

1 here and quantify today because I don't know of the 11:00:59
2 opportunities that were lost because I was never
3 given that chance and found out everything after the
4 fact.

5 BY MR. SANTACANA: 11:01:12

6 Q. Okay. In fact, it sounds like you're not
7 interested in selling your app activity data to
8 anyone, right? I think you said it's not for sale.

9 A. Correct.

10 Q. Okay. Understood. 11:01:26

11 Are there any other categories of damage
12 other than the ones we just discussed that you
13 believe you have suffered?

14 MR. LEE: Objection, calls for a legal
15 conclusion, expert opinion, speculation. 11:01:41

16 Answer, if you can.

17 THE WITNESS: Sure.

18 Look, those are the ones that come to
19 mind. I think what's tough about -- and I kind of
20 alluded to this with the privacy, it's just when you 11:01:57
21 had something that -- when there's a betrayal, when
22 there's, to me, a violation, you know, a breach of
23 an obligation where I was promised something, I was
24 in my mind told that when I participated with
25 Google, that I continue to buy Android devices, that 11:02:23

1 I was given control of my privacy. 11:02:27

2 As a privacy-minded person, I was told,
3 Hey, we care about your privacy. We protect your
4 information. We put you in control. That's in big
5 font and Google's promise, and then you broke that 11:02:39
6 promise and you invaded the privacy, so there's the
7 hurt of a broken promise, right?

8 I can't put into words what that looks
9 like, but I know it's wrong and I know it deserves
10 some sort of punishment or retribution for that. 11:02:57

11 So other than what I've quantified there,
12 there's a lot there that I can't sit here and
13 quantify and put the dollars and cents.
14 Unfortunately, the --

15 (Reporter seeks clarification.) 11:03:07

16 THE WITNESS: So, you know, as far as remedies
17 go, I know everything does kind of have to be
18 distilled into dollars and cents because as far as I
19 know, a lot of this stuff can't be undone. Although
20 to the extent that it can be undone, I would 11:03:24
21 certainly love that, too.

22 If you still have my information, I want
23 that gone. I want to make -- you know, measures
24 taken to ensure that Google doesn't continue to do
25 this and some macro-level stuff there, but I can't 11:03:33

1 sit here and say that I have a ledger of damages 11:03:38
2 that I consider.
3 BY MR. SANTACANA:
4 Q. Understood.
5 With respect to the damage to your 11:03:45
6 privacy, the sort of basic, fundamental,
7 your-privacy-has-been-invaded type of damage, would
8 you say you've suffered any mental distress?
9 A. Sure.
10 Q. Have you sought any medical treatment for 11:04:07
11 it?
12 A. Not specific to that.
13 Q. Taken any medications for it?
14 A. No.
15 Q. Are you aware of any way of quantifying, 11:04:19
16 other than basic mental distress, any way of
17 quantifying that mental distress in terms of damage?
18 MR. LEE: Objection, calls for a legal
19 conclusion, expert opinion.
20 THE WITNESS: I mean, I'm -- I'm not a 11:04:42
21 litigator. I don't do that area. I don't know how
22 that's quantified.
23 BY MR. SANTACANA:
24 Q. I'm not trying to ask you a legal
25 question. I'm just trying to -- and I apologize if 11:04:54

1 account in that opening paragraph, I mean whatever 12:23:42
2 this esoteric repository is, not a specific
3 salcataldo@gmail storage.

4 Q. But you reviewed the complete description
5 before turning WAA off, right? You didn't only read 12:23:57
6 that first screen shot.

7 MR. LEE: Objection.

8 You mean of the two screens we're looking
9 at?

10 BY MR. SANTACANA: 12:24:09

11 Q. Yeah, and also, what's behind the "Learn
12 more" link. You said you reviewed it all; right?

13 A. Yeah, well, I would prefer if we can go to
14 that part of the complaint so we can look at all
15 three because I'm sure I did click on the "Learn 12:24:18
16 more," but it would be helpful if I could look at it
17 and refresh.

18 Q. Yeah, let's look at it all at once.

19 So that's on page 26 of 87 in the top
20 header. 12:24:30

21 A. Okay.

22 Q. So take your time sort of refamiliarizing
23 yourself and just let me know when you're ready.

24 A. Sure.

25 Okay. Yeah, no, this looks like what I 12:25:24

1 would have looked at when -- I certainly would have 12:25:26
2 clicked the "Learn more," and this seems like this
3 is what would have been there at the time.

4 Q. Okay.

5 So you reviewed all of it before turning 12:25:36
6 WAA off, not just part of it; right?

7 A. I would have reviewed all of it, yes.

8 Q. And you provided a moment ago an
9 understanding of what "saved in your account" means
10 to you. 12:25:57

11 Is that the understanding you had at the
12 time that you turned WAA off?

13 A. But I think -- but that's not -- first of
14 all, the activity controls, as we saw earlier, when
15 you scroll down, there's more information about 12:26:12
16 location and history of YouTube, right?

17 The first sentence there, it says, "The
18 data saved in your account," this is just a
19 description of data saved in your account helps give
20 you more personalized experiences. They're not 12:26:24
21 saying the data saved in WAA, right?

22 So earlier, it says, Choose the data you
23 allow them to save.

24 Then under WAA, it says, "Saves your
25 activity on Google sites and apps, including 12:26:35

1 associated info" -- 12:26:35

2 (Reporter seeks clarification.)

3 A. So if I look at -- so "Activity controls"

4 is a general header, and then it just makes a

5 statement about what data in my account is used by 12:26:48

6 Google to do. It gives me a more personalized

7 experience.

8 Then later on, it says, What do we save as

9 Web & App Activity, right?

10 So if I turn on Web & App Activity, if I 12:27:04

11 turn on WAA, you're telling me what gets saved.

12 Okay. So then I look through and see what gets

13 saved, my Chrome history, my browsing history, other

14 activity at other sites, apps and devices that use

15 Google uses, sites and apps that use Google 12:27:22

16 services, right, and then it says, To let Google

17 save this information, Web & App Activity must be

18 on.

19 So if I don't want to let Google save that

20 information, I turn it off. 12:27:32

21 It doesn't say where it gets saved. It

22 doesn't say Web & App Activity is only in my

23 account. Under the Web & App Activity, you're just

24 saying what Web & App Activity does when I turn it

25 on and that it will get saved. And if I turn it 12:27:43

1 off, it won't get saved. 12:27:46

2 I think that's my understanding of it, and

3 it seemed very reasonable based on reviewing it.

4 Q. So I think that's -- I think we're saying

5 the same thing. 12:27:58

6 But you would agree with me, though, that

7 a sort of fundamental step to this is that you can

8 tell that the Web & App Activity data belongs to

9 you; right?

10 If you couldn't tell, like if you just 12:28:22

11 scrambled it up and it were indecipherable, then you

12 wouldn't be able to tell that it belongs to you;

13 right?

14 MR. LEE: Objection to the term "you," vague.

15 THE WITNESS: I don't -- 12:28:41

16 BY MR. SANTACANA:

17 Q. Do you understand what I mean by "you"?

18 A. I understand what you mean by me. I

19 disagree with the notion that if you somehow

20 scramble it all up, that it's not me. 12:28:52

21 Q. Okay.

22 So if I told you that when you turn WAA

23 off, your activity data is anonymized in a way that

24 makes it impossible to connect it to your identity

25 as a person in the physical world, am I correct in 12:29:15

1 understanding that you would say that still invades 12:29:19
2 your privacy because even though that is anonymized,
3 it came from you and you should be able to control
4 it.

5 Is that essentially what you're saying? 12:29:33

6 MR. LEE: Objection, incomplete hypothetical,
7 calls for speculation.

8 You can answer, if you can.

9 THE WITNESS: Sure.

10 There's two things that I would say. 12:29:40
11 Simply, yes, that is still me. No. 2, I don't
12 understand why you're telling it to me and
13 explaining it to me and it's not explained on the
14 app because it saying that in this setting.

15 It says, what's saved, information. Not 12:29:57
16 information in a way that portrays it as you, and it
17 says, you are going to save it turning on saves,
18 turning off should not save.

19 That's pretty simple. That's pretty
20 elementary. So if you're saying, turning off still 12:30:13
21 saves it but in this way that we know about that
22 we're not telling you about, that, to me, is not
23 what it's saying it's doing.

24 And I would go further, if you went back
25 to the privacy policy and you define personal 12:30:26

1 information that says, Things that are provided to 12:30:30
2 you that could be reasonably linked to such
3 information that basically can be figured out who
4 you are, tech companies like Google are very, very
5 smart, intelligent, have all sorts of resources that 12:30:44
6 they can piece that little stuff together.

7 So who defines that line of how do we
8 scramble it enough that it doesn't make it me. And
9 my opinion is that by the time you get to that
10 point, you have scrambled it up enough to make it 12:30:59
11 me, did you scramble it enough to have it no value?
12 And you guys wouldn't want it anyway.

13 So there's a value to you and your
14 third-party providers and your customers, then it
15 has to be identifiable in some way, that there's 12:31:10
16 some essence of me that is there that provides value
17 to somebody, and if that essence is there, that has
18 been taken, and that's an invasion.

19 BY MR. SANTACANA:

20 Q. Okay. 12:31:25

21 MR. LEE: I'll withdraw my objection.

22 BY MR. SANTACANA:

23 Q. I'm a little confused about one thing --
24 well, I'm confused about a lot of things.

25 But you said it just says, saves -- save 12:31:40

1 or don't save. But actually, what it says is "Saves 12:31:44
2 your activity."

3 So just to be fair, I think what you're
4 saying is that your activity you define as any
5 amalgamation of data, whether it's scrambled or not 12:31:56
6 to hide your name and things like that. It's still
7 you. It's the essence of you, as you said.

8 That's the claim, right?

9 MR. LEE: Objection, misstates the document.

10 THE WITNESS: If it says, "Saves your 12:32:08
11 activity," right, the activity is the activity.
12 Like changing how it's stored doesn't undo the
13 activity.

14 If I open a link, right, if I decide to
15 click on a recipe in the New York Times app, Sal 12:32:25
16 Cataldo opened up a crumb cake recipe, and you guys
17 chop it all up to make it not look like that, you
18 still saved the activity.

19 BY MR. SANTACANA:

20 Q. Okay. 12:32:40

21 A. You still saved my activity. So even
22 though you call it not me afterwards, it's still --
23 if it says you're saving the activity, and then on
24 the "Learn more," it doesn't say your activity. It
25 says, "info," which I assume is short for 12:32:52

1 phone. 01:29:33

2 And then you've got this list, the WAA

3 control, the location history control, the YouTube

4 history control and then ad personalization.

5 So please continue. I just wanted -- 01:29:43

6 A. That is correct.

7 Q. -- list that out.

8 Go ahead.

9 A. Up top on mine, it also does say, "Choose

10 which settings will save data in your Google 01:29:51

11 account."

12 Q. Yes.

13 A. So I'm going down to "Ad personalization."

14 It says ad personalization is on.

15 If I click on "Go to Ad Settings," it 01:29:58

16 says -- so this is what I wanted to see is what the

17 settings said, right?

18 It says, "Google makes your ads more

19 useful on Google services, such as search or

20 YouTube, and on websites and apps that partner with 01:30:13

21 Google to show ads."

22 Then there's a link to say, "Learn why

23 you're seeing an ad," and then if I click the

24 advance, like we did before, it does say, "Also,

25 user activity and information from Google services 01:30:25

1 to personalize ads on websites" -- 01:30:28

2 (Reporter seeks clarification.)

3 A. I apologize, I was saying it more so so

4 that he and I would know that we're looking at the

5 same thing, but -- 01:30:51

6 MR. LEE: She still has to write it down, so --

7 THE WITNESS: Yeah, no, I get it.

8 So when I click on the advanced carrot,

9 this paragraph comes up, "Also use your activity and

10 information from Google services to personalize ads 01:31:09

11 on websites and apps that partner with Google to

12 show ads."

13 Next sentence, "This stores data from

14 websites and apps that partner with Google in your

15 Google account." 01:31:30

16 So -- and that box is checked off. So

17 right now, it is not checked, it's blank.

18 And so if I go to these settings and I

19 see -- so going back to your question, Eduardo, to

20 say that the ad settings are where the privacy 01:32:03

21 policy would control that and why is it still on, I

22 would say the ad settings are allowing the

23 information I've shared to Google to potentially be

24 used to personalize my ads saying, Do you want us to

25 use information that we have to personalize your 01:32:25

1 ads? 01:32:27

2 To me, the WAA setting says can Google

3 have certain information. So my expectation is, if

4 I've told Google don't take certain information

5 using the WAA setting, I don't have to have the ad 01:32:44

6 setting also off. The ad setting doesn't override

7 and now allow Google to collect information that I

8 didn't allow it to collect in the first place.

9 If I read that ad setting, it's saying, Do

10 you want us to personalize your ads, yes or no? Not 01:33:01

11 do you want us to go take information to increase

12 your ads?

13 WAA tells me whether or not you can take

14 and collect information, and if I've said, "No,"

15 then it shouldn't matter what I do with my ads later 01:33:12

16 on because I've already told you not to take my

17 data. So you shouldn't have data with which to

18 personalize my ads.

19 BY MR. SANTACANA:

20 Q. That's very helpful, and just a reminder 01:33:21

21 to speak slowly even when you're thinking quickly.

22 But yes, that's very helpful, and I understand your

23 answer.

24 Let's continue through the privacy policy

25 for a moment. 01:33:34

1 A. Sure. 01:33:36

2 Q. So let me ask you, have you received any

3 ads that offended you because it appeared to you

4 that they came from activity that was collected when

5 WAA was turned off? 01:34:07

6 MR. LEE: I'm sorry, Eduardo, do you mind

7 repeating the question?

8 BY MR. SANTACANA:

9 Q. Yeah. The question was, have you received

10 any ads that offended you because it appeared to you 01:34:24

11 that they came from activity that was collected when

12 WAA was turned off?

13 MR. LEE: Okay. Objection to the term

14 "offended."

15 You can answer. 01:34:41

16 THE WITNESS: Yeah, I don't think that . . .

17 "offended" isn't a word that I would use because I

18 take offended as something that attacks my

19 character, something like that.

20 But I would say that I was bothered -- and 01:35:01

21 I can't recall any specific ad -- but bothered by

22 the idea of how the hell did you know that this

23 would be for me? You know, that kind of eerie sense

24 of, this was something that I thought I was doing on

25 one level, and now it popped up as a Gmail e-mail or 01:35:24

1 whatever the case would be that -- you know, I can 01:35:29
2 certainly recall the sensation of feeling like, Hey,
3 wait a minute, something doesn't sit right.

4 BY MR. SANTACANA:

5 Q. Let's talk about that for a second. 01:35:43

6 The advertising, obviously, you've been
7 aware, it sounds like since college, that Google is
8 a company that makes money from advertising; right?

9 A. I would assume Google -- one of the ways
10 it makes money is from advertising. 01:36:05

11 Q. And you've been aware of that since you
12 first opened your account; right?

13 A. I don't know when I -- I don't know how
14 you would define the opening my account. Like, I
15 can recall creating a Gmail account. I don't know 01:36:24
16 if there was anything that would have led me to
17 create a Google account prior to that.

18 Q. That's what I mean.

19 A. So when I signed up for Gmail, 2005.

20 Q. That's how you create a Google account. 01:36:36

21 A. Okay. I wasn't sure, you know, if there
22 was --

23	Q. Sure.
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24	A. So . . .
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25	I can't recall when I started seeing	01:37:02
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